

Official Minutes for Webb County Commissioners Court Meeting

Monday, June 23, 2003 at 1:30 P.M.

(Approved July 14, 2003)

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:30 p.m. at the regular meeting place with the following members present to wit:

Present:

Louis H. Bruni	County Judge
Judith Gutierrez	Commissioner, Pct. 2
Felix Velasquez	Commissioner, Pct. 3

Not Present:

Jerry Vasquez	Commissioner, Pct. 1
David Cortez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 20 of June 2003. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3 Invocation – Judge Louis H. Bruni

Cmr. Cortez arrived.

- Item No. 4 Pledge of Allegiance – Led by Judge Louis H. Bruni

- Item No. 5 Approval of minutes

Judge Bruni stated that Item No. 19 of the June 9, 2003 meeting should show Ms. Maria Eugenia Calderon, not Liliana Calderon, as Cmr. Gutierrez's appointee. Cmr. Gutierrez, Cmr. Velasquez and Cmr. Cortez had no other corrections or additions. Cmr. Velasquez commended the work done by the County Clerk and her staff.

Cmr. Gutierrez motioned to accept minutes with corrections. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

Item No. 7 Communications

Cmr. Gutierrez and Cmr. Velasquez had no communications to relay. Cmr. Cortez advised the public that although the Court voted to approve summer hours for the Courthouse that his office would remain open regular hours during the summer and that there will be someone there to answer the telephone. Judge Bruni stated that his office would also remain open from 8:00 a.m. to 6:00 p.m. on Fridays.

Item No. 8 Public Comment

Cmr. Vasquez arrived.

Dr. Hector Farias, chairman of VIDA (Voices In Democratic Action), was present to request Cmr. Cortez's resignation from his post and to present information to back their request. Judge Bruni advised Dr. Farias that comments had to be restricted to those items on the agenda. Cmr. Vasquez stated that this was a double standard since the Court allowed people to speak against him on the alleged assault charge. He stated that by allowing some to speak and not others would be the equivalent of trampling all over the Constitution. Judge Bruni stated that those comments regarding Cmr. Vasquez's alleged assault were made when the wording for public comments was different. Cmr. Cortez stated that that Court adopted the new regulations at a prior meeting limiting public comments to items on the agenda. He stated that the public comments should not be used for personal issues. Dr. Farias stated that he has never brought something before the Court that he could not back up and that what he wanted to comment on topics related to the County finances. He stated that he wanted the Court and the public to know about Cmr. Cortez's allegations on theft and request Cmr. Cortez's resignation. He stated that he wanted the following items be addressed by the Court:

- 1) Cmr. Cortez's refusal to acknowledge a request for Open Records regarding rental payments for a property owned by the County and rented to a Mr. Gonzalez.
- 2) Investigation by the FBI, District Attorney and County Attorney regarding missing funds of approximately \$5,000.00
- 3) Cmr. Cortez's relationship with J. Starr Construction and their contract for fence repairs at the Casa Blanca Golf Course without competitive bidding.
- 4) Two complaints filed at the Laredo Police Department against Cmr. Cortez.

Dr. Farias stated that VIDA believed that it would be in the best interest of the citizens of Laredo that Cmr. Cortez resign in light of the violations brought before the Court. He stated that Cmr. Cortez has failed to answer any questions and has violated the Texas Public Information Act. He stated that VIDA also opposes the construction of a new jail because it is a very political issue and was not in the best interest of the public. He stated that VIDA is also concerned about monies being spent on seminars for which the information is available on the Internet.

Cmr. Cortez stepped out.

Ms. Maria Elena Morales was present to speak on Item No. 39. She stated that she would address the Court at the time the item came up.

Cmr Cortez returned and stated that upsetting comments have been said about him. He stated that he has copies where the District Attorney stated that the charges against him were dropped last week. He stated that personal attacks against members of the Court should not be allowed and that he has not done anything wrong for him to resign. He advised Dr. Farias to stop criticizing his family and that he would not resign because it was the voters who put him there. Dr. Farias stated that he did not criticize his family but he criticized Cmr. Cortez.

Item No. 6 Approval of bills, payroll and monthly reports

Ms. Delia Perales, County Treasurer, submitted her Monthly Sales Tax Report, Monthly Treasurer's Report and Monthly bills.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Cortez motioned to move up Item No. 65. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 65 Discussion and possible action to award the Bank Depository Contract for Webb County funds to I.B.C.-Commerce Bank (Sole Proposal).

Cmr. Cortez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Ms. Perales stated that by awarding the account to IBC, the County would benefit by having bank charges waived and interest rates 20 base points above the current rate. She stated that this could bring in as much as \$7 million. Mr. Eloy Ramirez, Purchasing Agent, stated that proposals were hand delivered by Ms. Perales' office to all local banks but that this is not a lucrative account.

Motion carried 5-0 by unanimous consent.

- Item No. 9 Discussion and possible action to appoint Mr. Daniel Barrera to the Webb County Planning Advisory Board.

Comr. Gutierrez motioned to approve item as submitted. Comr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 10 Status report on water to the Colonias.

Mr. Tomas Rodriguez, Engineering Department, stated that his department is working hard to get water to the colonias and that the project should be completed approximately 1 year from now. He stated that some of the closer colonias would see water within 6 months. He stated that an extension would be requested before grant monies expiration date.

- Item No. 11 Report on the Provaqua project and its involvements at the Bi-National Partnership for Prosperity Conference in San Francisco, California, June 8, 2003 through June 11, 2003.

Mr. Steven Howard advised Court that he would come before Commissioners Court with a final design in July or August of this year. He stated that this partnership was established by U.S. President George W. Bush and Mexican President Vicente Fox to encourage the exchange of information and ideas between U.S. and Mexico. Mr. Raul Casso, County Judge's Chief of Staff, stated that he was present at this conference and that this project has gathered international attention. He stated that a breakdown on the funding and costs would be submitted to the Court in the format that they request. He stated that Webb County has the largest population base in Webb County and that the measure of success in this project would be challenged by many due no one has seen anything like this before. Mr. Gary Jacobs stated that he believes that the monies that cities and counties spend on feasibility studies to look for additional water sources could be used for this project.

Item No. 12 Discussion and possible action to pay an invoice in the amount of \$4,000.00 to the Laredo Veterans Coalition for flags displayed at Commissioner's Court Room. [Account # 001-0109-6401 Building Maintenance]

Mr. Jesus Cantu, Veterans Service Officer, stated that he did not believe that the Court should pay \$4,000 for the flags because he purchased them on behalf of the Laredo Veterans Coalition for \$1,367.02 and that the additional charges are for rental of the flags. He stated that the County allocates \$50,000 a year to the Laredo Veterans Coalition thru third party funding.

Cmr. Velasquez motioned to pay the invoice for only \$1,367.02 (the purchase price) and no rental fees.

Mr. Homero Ramirez, County Attorney, stated that he had some concerns regarding the invoice and recommended that the court return the flags and purchase new ones for the Courtroom.

Cmr. Velasquez withdrew his motion.

Mr. Cantu stated that the current price for the flags would be \$1,508.90 and that he would purchase the flags himself. Cmr. Cortez stated that he would donate \$200.00. Cmr. Gutierrez stated that since the flags in question have been in the Courtroom since May of last year, she believed that the new flags should be returned to the Laredo Veterans Coalition. Cmr. Velasquez stated that because of the \$50,000 in third party funding that the County allots them, theoretically the County purchased the flags for them.

Judge Bruni motioned to return the flags and purchase new ones for the Courtroom. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 13 Discussion and possible action to direct the Webb County Purchasing Agent to solicit requests for qualifications for a Veterans Administrator.

Cmr. Cortez motioned to extend Mr. Cantu's contract for an additional 3 years.

Mr. Homero Ramirez, County Attorney, stated that Mr. Cantu is not employed on a contract basis but until the Court states that his services are no longer needed. He stated that as the law reads, the Veterans' Services Officer serves at the whim of the Court. Cmr. Velasquez stated that the Veterans Service Officer was appointed in November 2001 and was appointed for 2 years.

Cmr. Cortez motioned to retain Mr. Cantu. Motion died for lack of second.

Cmr. Velasquez motioned to revisit item in September. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 14 Discussion and possible action to appoint Mr. Calixto Sandoval to the Texas Veterans Land Board.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move up Item No. 20. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 20 Presentation by the Laredo Development Foundation

Mr. John Adams, Ms. Araceli Lozano and Ms. Monika Rodriguez were present to address the Court on the programs and services offered by the Laredo Development Foundation to small business owners. Mr. Ernesto Rodriguez, owner of La Princesita Bakery in Rio Bravo, Texas, addressed the Court on the assistance that he received from the LDF in order to open his own business. Mr. Adams stated that developing the community is the key to future growth. Cmr. Gutierrez stated that the LDF has assisted many small business owners that have no other place to get assistance.

- Item No. 15 Discussion and possible action to direct Webb County Bond Counsel, Mr. Paul Martin, Webb County Attorney, Mr. Homero Ramirez, and Chief of Staff, Mr. Raul Casso to begin negotiations with Wackenhut Corrections Corporation for a lease agreement on County owned land and to form a Public Facility Corporation.

Mr. Homero Ramirez, County Attorney, advised Court to defer Item No. 15 until after action has been taken on Item No. 16 & 17.

- Item No. 16 Discussion and possible action to consider and adopt an Order approving the Appointment of replacement directors of the Webb Count Correctional Center Public Facility Center Public Facility Corporation and other matters thereto.

Mr. Carlos Zaffirini advised Court that a site must be designated by July 19, 2003 and must be within 50 miles of the new federal building in order to qualify. He proposed that the Court issue a proposal in conjunction with Wackenhut Corrections Corporation to include leasing land to Wackenhut for the construction of this facility. He stated that utilizing revenue bonds for the construction of the facility would allow the County to pay using the monies from the lease instead of from County funds. He stated that this would have no impact on the County's credit rating or funds. He stated that the building cost is approximately \$100 million with a construction time of 18 months. He stated that county would stand to gain the following benefits:

- 1) One-time fee when construction begins of 1% of construction costs (Standard Development fee)
- 2) Monthly rental fee (negotiable)
- 3) Approximately \$600 thousand a year in ad valorem taxes
- 4) Building will be turned over to County at end of lease term.

Mr. Zaffirini stated that lease would be for approximately 18 months to 2 years pre-construction and for 20 years after completion. He stated that the proposal would include continuing to house federal prisoners. Mr. John Houston, President of Wackenhut Corrections Corporation, advised Court that county would not be responsible for any costs if monies from revenue bonds were used. Cmr. Velasquez stated that there are other competitors involved in this project and does not want to violate any procedures by not listening to their proposals. Judge Bruni stated that there are 5-9 other companies but they have not come before the Court or shown any interest in building here. Mr. Homero Ramirez, County Attorney, stated that there is a certain process that must be followed in order to lease land without having to do the same to all. He stated that the Court cannot directly contract for the use of land but can charge a corporation for agreements with other agencies. He stated that the Court needed to approve Item No. 16 and No. 17 to be able to act on No. 15.

Judge Bruni motioned to appoint the Court and County Attorney as well as approve by-laws. Cmr. Vasquez seconded the motion.

Cmr. Gutierrez stated that the current 250 inmates housed at the County jail are a good source of revenue and does not want anything that might jeopardize that revenue. Mr. Houston stated that the inmates would be included in the proposal that would be submitted. He stated that if the contract with the federal government allows it, they would subcontract with the Sheriff's department to keep those numbers with the County. He stated that there are several advantages to partnering with Webb County that would make the process smoother for both of them.

Motion carried 5-0 by unanimous consent.

- Item No. 17 Discussion and possible action to consider and adopt a resolution authorizing representatives of the County of Webb Correctional Center Public Facility Corporation to structure a prison facility financing; enter into negotiations with necessary parties to effectuate a prison facility financing; and other matters thereto.

Judge Bruni motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Discussion and possible action to direct Webb County Bond Counsel, Mr. Paul Martin, Webb County Attorney, Mr. Homero Ramirez, and Chief of Staff, Mr. Raul Casso to begin negotiations with Wackenhut Corrections Corporation for a lease agreement on County owned land and to form a Public Facility Corporation.

Judge Bruni stated that he has spoken with Killam Industries in regards to a land "swap" with the County. Mr. Homero Ramirez, County Attorney, stated that "swap" would be included as part of Item No. 17 and no action would be necessary on Item No. 15.

Cmr. Cortez motioned to bring back Item No. 17. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 17 Discussion and possible action to consider and adopt a resolution authorizing representatives of the County of Webb Correctional Center Public Facility Corporation to structure a prison facility financing; enter into negotiations with necessary parties to effectuate a prison facility financing; and other matters thereto.

Judge Bruni motioned to include a possible land "swap" with Killam Industries. Cmr. Velasquez seconded the motion with discussion.

Cmr. Velasquez stated that he had also spoken with representatives of Killam Industries and stated that he believed that the land "swap" could also bring in revenues depending on the value of the land. Mr. Homero Ramirez advised Court that they would need to recess Commissioners Court meeting and reconvene as

Public Facility Corporation Board meeting. He recommended the Board then appoint Mr. Paul Martin as counsel for Public Facility Board.

Motion carried 5-0 by unanimous consent.

Cmr. Vasquez motioned to recess and reconvene as Public Facility Board. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Recess to Public Facility Board Meeting.

Judge Bruni reconvened meeting (4:45 p.m.)

Cmr. Vasquez motioned to move up Item No. 48 and No. 44. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 48 Discussion and possible action awarding the design contract for the paving, resurfacing and storm drainage design for the streets of Rio Bravo to Foster Engineering in the amount of \$407,475. [Border Access Colonias Grant]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 44 Discussion and possible action to appoint early voter sites and Election Day sites for the September 13, 2003, Constitutional Amendments Election.

Court deferred item until the arrival of Mr. John Beckelhymer, Elections Administrator.

Item No. 7 Public Comments

Ms. Cristina Palacios was present to address Court on Item No. 18 and she stated that the community wants the Court to work together for projects that will better the community. She stated that they do not want Mr. Carlos Villarreal back in County government but wants new people so that they can move the County forward and not back.

Mr. Jesus Sanchez was also present to speak on Item No. 18. He stated that when the community elected Judge Bruni, they wanted change and that bringing back

Mr. Carlos Villarreal was not a good idea. He stated that Mr. Villarreal was with the County for 12 years and during that time many mistakes were made. He stated that the court must allow the current administration to do their job the best way they see fit.

- Item No. 18 Discussion and possible action to appoint Mr. Carlos Villarreal to the position of Executive Administrator to the County Commissioners, and set effective date of employment.

Cmr. Vasquez motioned to appoint Mr. Carlos Villarreal as Executive Administrator to Commissioners Court. Cmr. Gutierrez seconded the motion.

Cmr. Vasquez stated that he believed Mr. Villarreal would bring in experience to the Court. Cmr. Vasquez stated that Mr. Villarreal's duties would include overseeing the county's pending projects, such as the fifth bridge, the Provaqua project, etc. He stated that he understood if Cmr. Cortez did not agree with hiring Mr. Villarreal but that it was up to the entire court. Judge Bruni stated that he took exception to Cmr. Vasquez's insinuation that his staff was not qualified or experienced enough to do their job. He stated that he has worked with Mr. Villarreal when he was a City Councilman but does not want Mr. Villarreal undermining his staff but wants him to work with them. Cmr. Gutierrez stated that Court is accountable to the voters and wants the Court to move forward and put aside any personal agendas to work together.

Motion carried 4-1 with Cmr. Cortez voting against.

Cmr. Cortez motioned to set salary at \$48,000, the amount Mr. Hector Garcia, prior administrator, was earning. Motion died for lack of a second.

Cmr. Vasquez motioned to set salary at \$82,000 plus \$6,000 car allowance. Cmr. Gutierrez seconded the motion.

Cmr. Cortez stated that he was outraged and believed that the citizens of Webb County would have a problem with paying someone over \$100,000 a year with benefits to be an assistant to Commissioners Court. Cmr. Velasquez stated that when Judge Bruni requested the raises for several of the positions in his office and in other offices, he supported them and gave them the benefit of the doubt and he would do the same with this item.

Motion carried 3-1 with Cmr. Cortez voting against and Judge Bruni abstaining.

- Item No. 19 Discussion and possible action to modify the work schedule of the Road and Bridge employees to the following: Monday through Thursday from 6:30

a.m. to 5:00 p.m. with ½ hour lunches. This will alleviate travel time to their work site. This schedule will commence on July 4, 2003.

Cmr. Vasquez stated that by implementing this time schedule, it would allow for less travel time per week and save the county money on gas and travel expenses. He stated that schedule would remain in place until further notice.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion with discussion.

Cmr. Gutierrez stated that she supported item due to concerns raised by Cmr. Vasquez but would like for item to be revisited at a later date.

Cmr. Vasquez amended motion to include a 90-day trial period. Cmr. Gutierrez amended second to include 90-day trial period.

Mr. Jose Luis Rodriguez, Road and Bridge Superintendent, requested clarity if this would affect the three departments under Road and Bridge: Office Staff, Motor Pool and Road Crews. Cmr. Vasquez stated that the road crews would work abbreviated workweek and remaining departments would work regular hours. Mr. Rodriguez also suggested a workweek of 6:00 am to 2:30 p.m., Monday thru Friday, in an effort to avoid the hottest time of the day. He stated that some workers have a travel time of up to 3 hours.

Motion carried 3-1 with Cmr. Cortez voting against and Judge Bruni abstaining to modify work schedule to 6:30 a.m. to 5:00 p.m. Monday thru Thursday.

Item No. 21 Discussion and possible action to authorize the Purchasing Agent to solicit requests for qualifications for a Pathologist and/or Medical Examiner.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 22 Discussion and possible action to enter a re-negotiated equipment lease agreement with John Deere Credit in the amount of SEVEN THOUSAND DOLLARS (\$7,000.00) per month at thirty-six (36) months, for mowing and maintenance equipment at the golf course and the Webb County Judge to sign all relevant documents. The re-negotiation results in a savings of THREE THOUSAND NINE HUNDRED TWELVE DOLLARS (\$3,912.00) to budgeted Account #001-6001-6096 Lease Purchase Principal

Cmr. Velasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, stated that this agreement would consolidate two prior agreements and the renegotiation is an exception to the bidding process.

- Item No. 23 Discussion and possible action to terminate the professional service contract with the court reporter for Commissioners Court, effective July 1, 2003, and any other matter incident thereto.

Cmr. Velasquez stated that he believed that the Court does not need the additional cost of a transcriber. He stated that as per state mandate, the minutes provided by the County Clerk are the official minutes of the meeting.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Cmr. Gutierrez advised the Court and the public that the Court transcriber, Ms. Sarai Meurer, would continue employment with the Webb County Court at Law. Cmr. Cortez stated that he believed that this is something that is needed due to the record is done word for word. Judge Bruni stated that he shared Cmr. Cortez's concerns and believed that the transcripts would come in handy in the event of a lawsuit.

Motion carried 3-2 with Cmr. Cortez and Judge Bruni voting against.

- Item No. 24 Discussion and possible action to create a position for a Public Information Officer to be under the direction of Commissioners Court. This position would be filled by vacant slot #1859.

Cmr. Velasquez stated that this position should be under Commissioners Court and because the publicist hired did not meet the Court's expectations, he feels the position should be returned to Commissioners Court.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Mr. Jorge Flores, County Judge's Chief Financial Officer, stated that though the slot exists, it is unfunded. He stated that when a publicist was approved, the monies for that slot were transferred to Professional Services.

Motion carried 3-2 with Cmr. Cortez and Judge Bruni voting against.

- Item No. 25 Discussion and possible action to amend the Webb County Policy and Procedures Manual to prohibit raising funds for any political candidate on Webb County property and any other matters incident thereto.

Mr. Homero Ramirez, County Attorney, stated that this would be a policy change and would only apply to those areas that are not normally rented or leased for a fee. This would include fundraising for officials during working hours or on County property.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 26 Discussion and possible action to develop uniform public policy recommendations and procedures for the establishment of scoring committees for the awarding of Webb County Contracts for services and capital improvements projects, and for procedures and criteria for the appointment and selection of members to such committees.

Cmr. Cortez motioned to have Mr. Raul Casso, County Judge's Chief of Staff, come back to the Court with a recommendation. Judge Bruni seconded the motion.

Motion failed 2-3 with Cmr. Vasquez, Cmr. Gutierrez and Cmr. Velasquez voting against.

- Item No. 27 Discussion and possible action to impose a hiring freeze regarding all vacant positions within Webb County, effective immediately, and for the balance of the fiscal year 2002-2003 budget, and until further notice.

Mr. Homero Ramirez, County Attorney, stated that this applies to departments under Commissioners Court but cannot be imposed on elected officials or statutorily appointed officials. He also stated that this would not apply to grant funded slots. Cmr. Gutierrez stated that departments already come before Commissioners Court to justify the slot before hiring but does not feel that freezing all slots is necessary.

Cmr. Cortez motioned to approve item as submitted. Judge Bruni seconded the motion.

Motion failed 2-3 with Cmr. Vasquez, Cmr. Gutierrez and Cmr. Velasquez voting against.

- Item No. 28 Discussion and possible action to limit all cellular phone usage to 500 minutes per month for all Webb County Commissioners.

Cmr. Gutierrez believes that this item should be at the discretion of each Commissioner and in accordance with their needs. Cmr. Velasquez stated that a \$50 allowance should be put into place with any excess fees to be paid by the user.

Cmr. Cortez motioned to approve zero minutes. Judge Bruni seconded the motion.

Motion failed 2-3 with Cmr. Vasquez, Cmr. Gutierrez and Cmr. Velasquez voting against.

- Item No. 29 Discussion and possible action to modify slot #1810 (Labor/Installer) at \$6.50 per hour to CEAP Assistant/Assessor at \$9.30 per hour, full-time with benefits, effective June 24, 2003. [Account # 911-4200-5001 Payroll-Comprehensive Energy Assistance Grant and Account # 912-4206-5001 Payroll – Weatherization Grant (WAP)]

- Item No. 30 Discussion and possible action to modify slot #1809 (Secretary) Full time at \$9.00 per hour to Comprehensive Energy Assistance Program (CEAP) Clerk, Part-time at \$8.25 per hour effective June 24, 2003. [Account # 911-4200-5001 Payroll – Comprehensive Energy Assistance Grant (CEAP)]

- Item No. 31 Discussion and possible action to fill slot #1794 (Center-Aide) Part-time at \$8.25 per hour, effective June 24, 2003. [Account # 920-4200-5001 Payroll – Community Services Block Grant]

- Item No. 32 Discussion and possible action to modify Personnel General Order for Meals on Wheels Program, FY-2002-2003, to reflect available funding.

- Item No. 33 Discussion and possible action to approve additional funding, and revised budget, from the Texas Department of Housing and Community Affairs, for the Comprehensive Energy Assistance Program (CEAP), for FY 2003, in the amount of \$144,864.

Cmr. Gutierrez motioned to approve Item No. 29, No. 30, No. 31, No. 32 and No. 33 as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 34 Discussion and possible action on the approval of the line item transfers in the amount of \$1,400 as follows:

FROM:

Acct # 001-2501-6403 (Repair and Maintenance Vehicle) \$ 900.00

Acct # 001-2501-6011 (Training & Education) \$ 500.00

TOTAL: \$1,400.00

TO:

Acct # 001-2501-6204 (Fuel and Lube) \$1,400.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 35 Discussion and possible action to either exercise an option to extend the initial term of the Agreement, for another two years, with LINEBARGER, HEARD, GOGGAN, BLAIR, GRAHAM, PENA & SAMPSON, LLP, concerning court fees and fines collections services or to terminate the Agreement with said law firm, and authorizing the County Judge to execute all relevant documents.
- Item No. 36 Discussion and possible action to enter into a two month (June 5, 2003 through August 5, 2003) commercial lease agreement with Jose Mario Flores concerning lease space of approximately 1800 square feet located at 1808 Commerce Drive at a cost of \$1,800.00 dollars a month. An exemption is being requested to the competitive bidding requirement under Local Government code section 232.024(3) [item necessary because of unforeseen damage to public property], and authorizing the Webb County Judge to execute all relevant documents. [Requested by Webb County Head Start]
- Item No. 37 Discussion and possible action to enter into an architectural services agreement with Morales and Associates for the design of new additional work areas throughout the Justice Center and/or incorporation of new work areas into existing departments and the design of flood detection, alert and auto shut-out systems to cover all floors of the building and the inspection and restoration of the present fire protection system. [Requested by Engineering Department]

Item No. 38 Discussion and possible action to consider and adopt for tax year 2003 the imposition of a fifteen (15%) percent penalty (Statutory penalty) to defray collection costs for Ad Valorem taxes due pursuant to Texas Tax code section 33.07.

Item No. 39 Discussion and possible action to enter into a three year (July 1, 2003 through June 30, 2006) Ad Valorem tax collection contract with Tijerina, Cavazos, Morales, & Montemayor, L.L.P. [Requested by Webb County Commissioner Judith Gutierrez]

Cmr. Gutierrez motioned to approve item No. 35, No. 36, No. 37, No. 38 and No. 39 as submitted. Cmr. Vasquez seconded the motion.

Mr. Homero Ramirez, County Attorney recommended that Court take no action on Item No. 36 and No. 39.

Cmr. Gutierrez amended motion to exclude Item No. 36 and No. 39 from her motion. Cmr. Vasquez amended his second to reflect the change.

Mr. Ramirez advised Court that they would need to either extend or terminate contract on Item No. 35.

Cmr. Velasquez motioned to extend contract. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 38 Discussion and possible action to consider and adopt for tax year 2003 the imposition of a fifteen (15%) percent penalty (Statutory penalty) to defray collection costs for Ad Valorem taxes due pursuant to Texas Tax code section 33.07.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 41 Discussion and possible action on the approval of the following line item transfers:

FROM:

Acct # 001-1001-5601 (Administrative Travel)	\$1,500.00
Acct #001-1001-6402 (Equipment Maintenance)	\$2,000.00

TO:
Acct # 001-1001-6010 (Books/Subscriptions) \$3,500.00

- Item No. 42 Discussion and possible action on the approval of a line item transfer in the amount of \$5,000.00 from account # 001-1100-6402 (Repair & Maint. of Equipment) to account # 001-1100-6022 (Professional Services).

Cmr. Vasquez motioned to approve item No. 41 and No. 42 as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 43 Discussion and possible action to authorize the Purchasing Agent to solicit construction bids for the El Cenizo Recreational Center Project. [Account #678-8103-8710-1 Park Development Precinct 1]

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Tomas Rodriguez advised Court that Item No. 43 is not ready to go out for bids but will advise when ready.

Cmr. Vasquez motioned to solicit bids upon Mr. Rodriguez's notification. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 44 Discussion and possible action to appoint early voter sites and Election Day sites for the September 13, 2003, Constitutional Amendments Election.

Mr. John Beckelhymer, Elections Administrator, advised Court that this election was not included in his budget. He stated that the Court has two options:

- 1) Approve a consolidated, shortened schedule and sites at a cost of \$17,000 for which Mr. Beckelhymer has money in his budget.
- 2) Approve a longer, regular schedule and sites at a cost of \$40,000 for which Mr. Beckelhymer does not have money in his budget.

Cmr. Vasquez motioned to approve a consolidated, shortened schedule and sites. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 45 Discussion and possible action awarding the design contract for the paving, resurfacing and storm drainage design for the streets of Bruni and Mirando City to Sherfey Engineering in the amount of \$378,050.00. [Border Access Colonias Grants]

Item No. 46 Discussion and possible action authorizing the County Engineer and the Purchasing Agent to obtain proposals for determining the silt levels and the type of soils at the bottom of Lake Casa Blanca.

Item No. 47 Discussion and possible action authorizing the Utilities Department to increase the water and sewer rates effective September 1, 2003, and to conduct Public Hearings on July 24, 2003, at El Cenizo and July 25, 2003, at Rio Bravo, for the proposed water and sewer rates.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 40 Discussion and possible action on the approval of a line item transfer in the amount of \$175,000 as follows:

FROM:

Acct # 001-1050-6031 (Capital Murders)	\$100,000.00
Acct # 001-1050-6029 (Court Interpreter)	\$ 75,000.00
	TOTAL: \$175,000.00

TO:

Acct # 001-1050-6900 (Expert Witness)	\$ 20,000.00
Acct # 001-1050-6950 (Investigation)	\$ 5,000.00
Acct # 001-1050-7000 (Other Litigation)	\$ 25,000.00
Acct # 001-1050-7001 (Indigent Defendants)	\$125,000.00
	TOTAL: \$175,000.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 49 Discussion and possible action on the approval of a line item transfer in the amount of \$2,500.00 from account # 001-6001-6401 (Building Maintenance) to Account #001-6001-6402 (Equipment Maintenance).

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 50 Discussion and possible action on the approval of a line item transfer in the amount of \$700.00 from account #001-4101-6403 (Vehicle Maintenance) to account #001-4101-6402 (Equipment Maintenance).

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 51 Discussion and possible action on the approval of a line item transfer in the amount of \$155.00 from account #008-0101-6403 (Vehicle Maintenance) to account # 008-0101-6011 (Records Management Preservation - Training & Education).

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Cortez stepped out.

Cmr. Velasquez motioned to bring up Item No. 39. Cmr. Gutierrez seconded the motion.

Motion carried 4-0 with Cmr. Cortez not present for voting.

Item No. 39 Discussion and possible action to enter into a three year (July 1, 2003 through June 30, 2006) Ad Valorem tax collection contract with Tijerina, Cavazos, Morales, & Montemayor, L.L.P. [Requested by Webb County Commissioner Judith Gutierrez]

Mr. Homero Ramirez, County Attorney, advised Court that he had several concerns that needed to be cleared by the Court. Ms. Ana Cavazos Ramirez of the Law Offices of Tijerina, Cavazos, Morales & Montemayor, L.L.P. was also present to address the Court. The concerns and results are as follows:

Page 2, Section 1.2 (c) – Preparation and delivery of tax notices

Ms. Cavazos stated that the firm had no problem in allowing Ms. Patricia Barrera, Tax Assessor Collector, in sending the notices but firm also wants to send additional notices since they cannot file suit against the person until after the first notice has been sent. Mr. Ramirez recommended amending contract to reflect above.

Page 3 – The County requests a more detailed report than firm is willing to supply.

Judge Bruni advised Mr. Ramirez to go with reporting stated in Request for Proposals (RFQ)

Page 7 – 6 month look back provision

Ms. Cavazos stated that contract prepared by County Attorney is extremely complicated and the one prepared by their firm reflects those used in City, County and School Districts. Mr. Ramirez stated that he had some concerns with the prior contract but it was approved anyways. He stated prior contract omitted at-will termination provision but is recommending the inclusion of this provision in this contract. Ms. Cavazos objected to this clause due RFQ called for 3 year contract, their firm was hired for a 3 year contract and unless the firm is not performing, contract should be for 3 years. Mr. Ramirez recommended an initial 12-month termination provision for just cause with an at-will termination provision for the remaining 24 months. Mr. Ramirez stated that he also had concerns regarding additional percentage fees on time payment plans. Ms. Cavazos stated that item was to be brought back after discussion by the court.

Mr. Gutierrez motioned to approve contract with following amendments:

- 1) Termination only with just cause
- 2) Reporting to be done as set out in RFQ
- 3) 15% fee on penalty and interest as of date collected

Mr. Vasquez seconded the motion.

Motion carried 4-0 with Mr. Cortez not present for voting.

Mr. Cortez returned.

Item No. 52 Discussion and possible action to issue "Certifications Regarding Compliance with Plat Requirements and the Connection of Utilities" to authorize connections to the following properties:

Connection(s) qualifying under Section 232.029 (b):

1. Lot 2, Block 3, Aguilares Townsite, (electricity – one dwelling only)

Connection(s) qualifying under Section 232.029 (i):

1. Lot 98, Tanquecitos South Acres, (electricity-one dwelling only)

Mr. Gutierrez motioned to approve item as submitted. Mr. Vasquez seconded the motion.

Cmr. Gutierrez advised Court that Ms. Tiffin's father had passed away yesterday and sent condolences to Ms. Tiffin and her family.

Motion carried 5-0 by unanimous consent.

- Item No. 53 Discussion and possible action to authorize the Purchasing Agent to obtain the services of Cantu Electric for a Fire Alarm System for the Temporary Morgue in the amount of \$6,000.00. [Account #676-8101-8601 Construction in Progress]
- Item No. 54 Discussion and possible action to authorize the Purchasing Agent to purchase one movable filing system to include software, boxes, colored folders, labels, disassemble, relocate, and reassemble LEKTRIEVER Filing System and one Mobil file cart from Records System Inc. in the amount of \$25,925.29 for the Auditor's Office. [Account #623-0400-8801 Capital Outlay-Certificates of Obligation Series 1999]
- Item No. 55 Discussion and possible action to authorize the Purchasing Agent to solicit bids for the following items for the Head Start Department:
- | | |
|--------------------------------|-------------|
| 1) One 29 Passenger School Bus | \$45,000.00 |
| 2) 80 Q-Vest Harness | \$ 6,880.00 |
| 3) Classroom Supplies | \$20,000.00 |
| 4) 15 Computers | \$ 8,300.00 |
| 5) 2 Playground Structures | \$ 8,545.00 |
- Item No. 56 Discussion and possible action on the approval to award/reject Bid No. 2003-37 "Larga Vista Community Center Library Addition". [Account # 655-6110-8601 Construction in Progress]
- Item No. 57 Discussion and possible action to Award/Reject proposal No. 2003-19 "Request for Proposals for Engineering Services for El Cenizo Paving Project" for the Engineering Department. [Border Access Colonias Grant]
- Item No. 58 Discussion and possible action to Award/Reject Bid No. 2003-38 "One 24 X 64 Sq. Ft. Portable Building for Juvenile Justice Alternative Education Program. [Account # 149-1301-8801 Capital Outlay]
- Item No. 59 Discussion and possible action to authorize the Purchasing Agent to purchase educational material for the Juvenile Justice Alternative Education

Program from American Preparatory Institute in the amount of \$14,278.89.
[Account #149-1301-6020-Educational Supplies]

Item No. 60 Discussion and possible action to authorize the Purchasing Agent to lease one digital copier (55 copies per minute) with finisher to run 30,000 copies per month for the Head Start Department. [Account # 903-4207-6014 Equipment Rental]

Item No. 62 Discussion and possible action to approve an increase of cellular phone minutes for Jose Luis Rodriguez, Road and Bridge Superintendent, from 750 to 1000.

Comr. Gutierrez motioned to approve Item No. 53, No. 54, No. 55, No. 56, No. 57, No. 58, No. 59, No. 60 and No. 62 as submitted. Comr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 61 Discussion and possible action to order exemption from competitive bidding to acquire services for repair and remediation of County property damaged by storm on June 2, 2003, and any other matters incident thereto.

Mr. Eloy Ramirez, County Purchasing Agent, stated that as of June 11, 2003, the estimated total in damages was \$192,116.64. He stated that some of these costs have already been encumbered as per Ms. Juanita Puente's instructions. Ms. Juanita Puente, County Risk Manager, stated that she has handled three claims similar to those encumbered and did everything that the adjuster requested to protect County property. Judge Bruni advised Ms. Puente that something like this happens, to advise his office so that an emergency meeting can be called to evaluate the damages and figure out what the next step will be. Ms. Puente stated that she followed the instructions laid out for her by the previous administration and that security guards are currently being used to patrol the area where the fence in the golf course went down at approximately \$10-12 per hour from 5:00 p.m. to 8:00 a.m. Mr. Ramirez stated that a check for roughly \$100 thousand has already been received from the insurance company. Mr. Leo Flores, County Auditor, stated that total damages would be closer to \$600-700 thousand and requested that the Court defer the item until a later date.

Judge Bruni motioned to defer item. Comr. Vasquez seconded the motion.

Motion carried 5-0 to defer item.

Item No. 63 Discussion and possible action to approve the following line item transfer:
FROM:
Acct # 001-6100-6403 (Repair & Maintenance-Vehicles) \$1,000.00
Acct # 001-6100-6010 (Books & Subscriptions) \$6,500.00
TOTAL \$7,500.00

TO:
Acct # 001-6100-6201 (Utilities) \$7,500.00

Cmdr. Gutierrez motioned to approve item as submitted. Cmdr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 64 Status on Safety & Health Month Event for the Week of June 23rd.
June 24, 2003 - Drug & Alcohol Reasonable Suspicion Training
June 26, 2003 - Safety Fair
June 25 & 27, 2003 - CPR & First Aid Training

No action required or taken on this item.

Item No. 66 Discussion and possible action to transfer employee slot #087 from the County Auditor to the County Treasurer along with the function and responsibility of Bank Reconciliation's effective June 30, 2003, to comply with the dictate of Local Government Code 113.008.

Cmdr. Cortez motioned to approve item. Cmdr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Leo Flores, County Auditor, stated that he and Ms. Delia Perales, County Treasurer, had agreed that the employee currently in that slot would remain with that slot. He stated that accounts have been reconciled up to April 2003.

Item No. 67 Adjournment

Cmdr. Gutierrez motioned to adjourn meeting. Cmdr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent to adjourn meeting.